

SCHOOL FEE AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Craig A. Frank

Senate Sponsor: _____

LONG TITLE

General Description:

This bill prohibits certain school fees.

Highlighted Provisions:

This bill:

- ▶ provides definitions;
- ▶ prohibits course fees, rental and use fees, certain charges for student supplies, and textbook fees;
- ▶ allows extracurricular fees under certain conditions;
- ▶ links an appropriation item to the value of the weighted pupil unit; and
- ▶ makes technical corrections.

Monies Appropriated in this Bill:

This bill appropriates:

- ▶ as an ongoing appropriation subject to future budget constraints, \$13,100,000 from the Uniform School Fund.

Other Special Clauses:

This bill takes effect on July 1, 2009.

This bill coordinates with S.B. 1 by providing that certain amendments in this bill supersede the amendments in S.B. 1 and that certain amendments in S.B. 1 supersede the amendments in this bill.

This bill coordinates with H.B. 2 by providing that certain amendments in this bill



supersede the amendments in H.B. 2 and that certain amendments in H.B. 2 supersede the amendments in this bill.

Utah Code Sections Affected:

AMENDS:

53A-12-103, as last amended by Laws of Utah 2008, Chapter 382

53A-17a-104, as last amended by Laws of Utah 2008, Chapters 1 and 397

ENACTS:

53A-12-101.5, Utah Code Annotated 1953

53A-12-102.5, Utah Code Annotated 1953

53A-17a-163, Utah Code Annotated 1953

REPEALS AND REENACTS:

53A-12-102, as enacted by Laws of Utah 1988, Chapter 2

REPEALS:

53A-12-201, as enacted by Laws of Utah 1988, Chapter 2

53A-12-202, as enacted by Laws of Utah 1988, Chapter 2

53A-12-203, as enacted by Laws of Utah 1988, Chapter 2

53A-12-204, as last amended by Laws of Utah 2002, Chapter 299

53A-12-205, as enacted by Laws of Utah 1988, Chapter 2

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53A-12-101.5** is enacted to read:

53A-12-101.5. Definitions.

As used in this chapter:

(1) "Course fee" means a fee charged relating to any course required for graduation or given credit towards graduation whether to cover instructional costs or to defray certain materials or equipment costs for courses or classes, including arts, music, science, laboratory, physical education, information technology, applied technology education, vocational, home economic, and industrial arts courses.

(2) "Extracurricular fee" means a fee charged for student participation in extracurricular activities, including participation fees or dues for clubs, performing groups, sports, school-sponsored activities, social events, and summer programs.

(3) (a) "Fee" means a charge or mandatory payment, however designated, whether in the form of money or goods, required of a student or the student's parent or guardian, as a condition for student participation in an activity, class, function, or program provided, sponsored, or supported by or through a public school or school district.

(b) "Fee" does not include:

(i) charges relating to the National School Lunch Program;

(ii) a reasonable deposit collected for a secondary student to secure school property that is returned at the end of the school year unless the deposit is retained to cover damage to the school property caused by the student; and

(iii) charges for textbooks, materials, or school supplies that are sold to students by a public school on a voluntary or optional basis, including school publications, class rings, annuals, and similar items.

(4) "Rental and use fee" means a fee charged for student use of school property or equipment, including school lockers, musical instruments, uniforms, library access, textbook rental, or parking.

(5) "Student supplies" means items or materials that are the personal property of a student which, although used in the instructional process, are also commonly purchased and used by persons not enrolled in the class or activity in question and have a high probability of regular use in other than school-sponsored activities, including pencils, papers, notebooks, crayons, scissors, basic clothing for healthy lifestyle classes, and similar personal or consumable items over which a student retains ownership.

(6) (a) "Textbooks" means textbooks and workbooks necessary for participation in any instructional course.

(b) "Textbooks" do not include student supplies.

Section 2. Section **53A-12-102** is repealed and reenacted to read:

53A-12-102. State policy on student fees, deposits, or other charges.

(1) A public school may not charge:

(a) a fee for students in kindergarten through the sixth grade;

(b) a course fee;

(c) a rental and use fee; or

(d) a textbook fee.

90 (2) A public school may charge reasonable extracurricular fees as authorized by the
91 local school board under rules adopted by the State Board of Education.

92 (3) (a) Students in kindergarten through sixth grades may not be charged for school
93 supplies used in any course or regular school day activity.

94 (b) (i) Students of all grade levels may be required to provide materials for their
95 optional projects, but a student may not be required to select an optional project as a condition
96 for enrolling in or completing a course.

97 (ii) Project-related courses must be based upon projects and experiences that are free to
98 all students.

99 (c) (i) Student supplies shall be provided for elementary students.

100 (ii) Notwithstanding Subsection (3)(c)(i), a student may be required to replace supplies
101 provided by the school which are lost, wasted, or damaged by the student through careless or
102 irresponsible behavior.

103 (d) Secondary students may be required to provide their own school supplies, subject to
104 the fee waiver provisions in Section 53A-12-103.

105 Section 3. Section **53A-12-102.5** is enacted to read:

106 **53A-12-102.5. State policy on textbooks.**

107 (1) It is the public policy of this state that public education shall be free.

108 (2) The State Board of Education shall adopt rules necessary to ensure satisfactory
109 distribution and proper care of textbooks on a statewide basis.

110 (3) Each local school board shall provide, free of charge, textbooks and workbooks
111 required for courses of instruction for each child attending public schools.

112 (4) A local school board, under rules adopted by the State Board of Education, may
113 purchase textbooks for use in the public schools directly from the publisher at prices and terms
114 approved by the state board and may sell those books to pupils in grades 9 through 12 at a cost
115 not to exceed the actual cost of the book plus costs of transportation and handling.

116 (5) The local school board shall also purchase all books necessary for teachers to
117 conduct their classes.

118 (6) The cost of furnishing textbooks and workbooks may be paid from school operating
119 funds or from other available funds.

120 Section 4. Section **53A-12-103** is amended to read:

53A-12-103. Waiver of fees.

(1) ~~[(a)]~~ A local school board shall require, as part of an authorization granted under Section 53A-12-102, that adequate waivers or other provisions are available to ensure that no student is denied the opportunity to participate because of an inability to pay the required fee~~;~~ or deposit~~[-or charge]~~.

~~[(b)(i) If, however, a student must repeat a course or requires remediation to advance or graduate and a fee is associated with the course or the remediation program, it is presumed that the student will pay the fee.]~~

~~[(ii) If the student or the student's parent or guardian is financially unable to pay the fee, the board shall provide for alternatives to waiving the fee, which may include installment payments and school or community service or work projects for the student.]~~

~~[(iii) In cases of extreme financial hardship or where the student has suffered a long-term illness, or death in the family, or other major emergency and where installment payments and the imposition of a service or work requirement would not be reasonable, the student may receive a partial or full waiver of the fee required under Subsection (1)(b)(i).]~~

~~[(iv) The waiver provisions in Subsections (2) and (3) apply to all other fees, deposits, and charges made in the secondary schools.]~~

(2) (a) The board shall require each school in the district that charges a fee under this chapter to provide a variety of alternatives for satisfying the fee requirement to those who qualify for fee waivers, in addition to the outright waiver of the fee.

(b) The board shall develop and provide a list of alternatives for the schools, including such options as allowing the student to provide:

(i) tutorial assistance to other students;

(ii) assistance before or after school to teachers and other school personnel on school related matters; and

(iii) general community or home service.

(c) Each school may add to the list of alternatives provided by the board, subject to approval by the board.

(3) A local school board may establish policies providing for partial fee waivers or other alternatives for those students who, because of extenuating circumstances, are not in a financial position to pay the entire fee.

(4) With regard to children who are in the custody of the Division of Child and Family Services who are also eligible under Title IV-E of the federal Social Security Act, local school boards shall require fee waivers or alternatives in accordance with Subsections (1) through (3).

(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules:

(a) requiring a parent or guardian of a student applying for a fee waiver to provide documentation and certification to the school verifying:

(i) the student's eligibility to receive the waiver; and
(ii) that the alternatives for satisfying the fee requirements under Subsection (2) have been complied with to the fullest extent reasonably possible according to the individual circumstances of both the fee waiver applicant and the school; and

(b) specifying the acceptable forms of documentation for the requirement under Subsection (5)(a), which shall include verification based on income tax returns or current pay stubs.

(6) Notwithstanding the requirements under Subsection (5), a school is not required to keep documentation on file after the verification is completed.

Section 5. Section **53A-17a-104** is amended to read:

53A-17a-104. Amount of state's contribution toward minimum school program.

(1) The total contribution of the state toward the cost of the minimum school program may not exceed the sum of \$2,497,012,086 for the fiscal year beginning July 1, 2008, except as otherwise provided by the Legislature through supplemental appropriations.

(2) There is appropriated from state and local funds for fiscal year 2008-09 for distribution to school districts and charter schools, in accordance with this chapter, monies for the following purposes and in the following amounts:

- (a) basic program - kindergarten, \$65,182,638 (25,294 WPU's);
- (b) basic program - grades 1-12, \$1,258,253,751 (488,263 WPU's);
- (c) basic program - professional staff, \$116,307,741 (45,133 WPU's);
- (d) basic program - administrative costs, \$4,174,740 (1,620 WPU's);
- (e) basic program - necessarily existent small schools and units for consolidated schools, \$19,711,473 (7,649 WPU's);
- (f) special education - regular program - add-on WPU's for students with disabilities,

183 \$155,789,958 (60,454 WPU);
184 (g) preschool special education program, \$22,082,313 (8,569 WPU);
185 (h) self-contained regular WPU, \$34,573,032 (13,416 WPU);
186 (i) extended year program for severely disabled, \$968,952 (376 WPU);
187 (j) special education programs in state institutions and district impact aid, \$4,293,282
188 (1,666 WPU);
189 (k) career and technical education district programs, \$67,530,285 (26,205 WPU),
190 including \$1,154,458 for summer career and technical education agriculture programs;
191 (l) career and technical education district set-aside, \$2,878,509 (1,117 WPU);
192 (m) class size reduction, \$88,373,061 (34,293 WPU);
193 (n) Social Security and retirement programs, \$349,906,049;
194 (o) pupil transportation to and from school, \$74,446,865, of which not less than
195 \$2,584,435 shall be allocated to the Utah Schools for the Deaf and Blind to pay for
196 transportation costs of the schools' students;
197 (p) guarantee transportation levy, \$500,000;
198 (q) Local Discretionary Block Grant Program, \$21,820,748;
199 (r) Interventions for Student Success Block Grant Program, \$18,844,111;
200 (s) Quality Teaching Block Grant Program, \$77,615,641;
201 (t) highly impacted schools, \$5,123,207;
202 (u) at-risk programs, \$31,411,241;
203 (v) adult education, \$10,266,146;
204 (w) accelerated learning programs, \$4,295,581;
205 (x) concurrent enrollment, \$9,672,586;
206 (y) High-ability Student Initiative Program, \$500,000;
207 (z) English Language Learner Family Literacy Centers, \$2,000,000;
208 (aa) electronic high school, \$2,000,000;
209 (bb) School LAND Trust Program, \$26,499,500;
210 (cc) charter schools, pursuant to Section 53A-1a-513, \$36,957,646;
211 (dd) charter school administrative costs, \$2,898,600;
212 (ee) K-3 Reading Improvement Program, \$15,000,000;
213 (ff) Public Education Job Enhancement Program, \$2,430,000;

(gg) educator salary adjustments, \$148,260,200;
(hh) Teacher Salary Supplement Restricted Account, \$4,300,000;
(ii) library books and electronic resources, \$1,500,000;
(jj) school nurses, \$1,000,000;
(kk) critical languages, \$230,000;
(ll) extended year for special educators, \$2,900,000;
(mm) USTAR Centers, \$6,900,000;
(nn) state-supported voted leeway, \$273,337,346;
(oo) state-supported board leeway, \$71,575,858; ~~[and]~~
(pp) state-supported board leeway for K-3 Reading Improvement Program,
\$15,000,000[-]; and
(qq) School Fee Replacement Program, \$13,100,000 (5,083 WPU).

Section 6. Section **53A-17a-163** is enacted to read:

53A-17a-163. School Fee Replacement Program.

(1) There is established the School Fee Replacement Program to compensate school districts and charter schools for the fees for secondary students that are prohibited as provided in Title 53A, Chapter 12, Fees and Textbooks.

(2) The State Board of Education shall distribute money appropriated in Section 53A-17a-104 for the School Fee Replacement Program to school districts and charter schools that enroll secondary students in accordance with a formula adopted by the board, after consultation with school districts and charter schools, that allocates the funding in a fair and equitable manner.

(3) The State Board of Education shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer this section.

Section 7. **Repealer.**

This bill repeals:

Section **53A-12-201, State policy on providing textbooks.**

Section **53A-12-202, "Textbooks" defined.**

Section **53A-12-203, Regulation and supervision of distribution of textbooks by board of education.**

Section **53A-12-204, Purchase of textbooks by local school board -- Sales to pupils**

-- Free textbooks -- Textbooks provided to teachers -- Payment of costs -- Rental of textbooks.

Section 53A-12-205, Free textbook system.

Section 8. **Appropriation.**

As an ongoing appropriation subject to future budget constraints, there is appropriated from the General Fund for fiscal year 2008-09, \$13,100,000 from the Uniform School Fund.

Section 9. **Effective date.**

This bill takes effect on July 1, 2009.

Section 10. **Coordinating H.B. 131 with H.B. 2 -- Substantively superseding amendments.**

If this H.B. 131 and H.B. 2, Minimum School Program Budget Amendments, both pass, it is the intent of the Legislature that when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication, the appropriation under Subsection 53A-17a-104(1) in H.B. 2 supersedes the appropriation in Subsection 53A-17a-104(1) in this bill, except that the appropriation under Subsection 53A-17a-104(1) in H.B. 2 shall be increased by \$13,100,000.

Section 11. **Coordinating H.B. 131 with S.B. 1 -- Substantively superseding amendments.**

If this H.B. 131 and S.B. 1, Minimum School Program Base Budget Amendments, both pass, it is the intent of the Legislature that when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication, the appropriation under Subsection 53A-17a-104(1) in S.B. 1 supersedes the appropriation in Subsection 53A-17a-104(1) in this bill, except that the appropriation under Subsection 53A-17a-104(1) in S.B. 1 shall be increased by \$13,100,000.

Legislative Review Note
as of 12-3-08 9:09 AM

Office of Legislative Research and General Counsel

H.B. 131 - School Fee Amendments

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill appropriates \$13,100,000 from the Uniform School Fund to the Minimum School Program to offset estimated reductions in local fee revenue collected by school districts and charter schools. Bill provisions establish the School Fee Replacement Program within the Minimum School Program as a Weighted Pupil Unit driven program and assigns it 5,083 WPUs. Increasing the number of WPUs in the Minimum School Program also increases the cost of the state guarantee for the Voted and Board Leeway programs. This increase is estimated to cost an additional \$203,100 from the Uniform School Fund and would be funded through the fiscal note process.

	<u>2009</u> <u>Approp.</u>	<u>2010</u> <u>Approp.</u>	<u>2011</u> <u>Approp.</u>	<u>2009</u> <u>Revenue</u>	<u>2010</u> <u>Revenue</u>	<u>2011</u> <u>Revenue</u>
Uniform School Fund	\$0	\$13,303,100	\$13,303,100	\$0	\$0	\$0
Total	\$0	\$13,303,100	\$13,303,100	\$0	\$0	\$0

Individual, Business and/or Local Impact

Enactment of this bill may reduce school fees paid by students. School districts and charter schools may experience an increase or decrease in funding depending on their current fee collections and the amount of School Fee Replacement Program funding they receive.